



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF HUMAN SERVICES
LANSING



ISMAEL AHMED
DIRECTOR

April 6, 2010

The Honorable Bill Hardiman, Chair
Senate Appropriations Subcommittee on DHS
Michigan State Senate
Lansing, Michigan 48933

The Honorable Dudley Spade, Chair
House Appropriations Subcommittee on DHS
Michigan House of Representatives
Lansing, Michigan 48933

Dear Senator Hardiman and Representative Spade:

The enclosed reports are provided pursuant to PA 131 of 2007 Section 514, the Department of Human Services (DHS) Fiscal Year 2008 Appropriations Act, and Sections 722.629a and 722.628d (5) & (6) of 1975 PA 238, the Child Protection Law. These sections require that DHS provide information on Children's Protective Services (CPS) statistical data, and a list of significant CPS policies implemented in the preceding fiscal year.

The enclosed information includes the following:

1. 2009 Trends Summary Report.
2. A listing of CPS program definitions.
3. The total number of reports of abuse or neglect received, investigated, and confirmed (categories I through III) from 2000-2009.
4. The number of cases classified under abuse/neglect categories I through V.
5. The number of cases in category III that escalated to category I or II.
6. The number of cases in which children were abused as a result of methamphetamine exposure.
7. "Victims of Abuse and Neglect" report, which includes a breakdown of the age, race, and gender of child victims.
8. "Perpetrators of Abuse and Neglect" report, which includes the perpetrator's relationship to the victim(s).

9. "Source of Complaints" report, which includes both mandated and non-mandated reporters, and their relationship to the victim.

10. A listing of significant CPS policy changes and law changes effective in 2009.

If you have any questions, comments, or would like additional information, please contact Zoe Lyons at (517) 335-3704.

Sincerely,

A handwritten signature in black ink that reads "Susan Kargus". The signature is written in a cursive, flowing style.

for Ismael Ahmed

cc: Senate and House Appropriations Subcommittee on DHS
Senate and House Fiscal Agencies
Senate and House Policy Offices
State Budget Office

Children's Protective Services 2009 Trends Report Summary

The number of Children's Protective Services (CPS) complaints received by the Department of Human Services (DHS) decreased from 124,716 in fiscal year 2008 to 117,316 in fiscal year 2009. While fewer cases were assigned for investigation, confirmed cases (i.e., a preponderance of evidence of abuse and/or neglect was found) increased by approximately 2%. Also during FY 2009, CPS policy and the Child Protection Law were revised to increase protections for children and clarify responsibilities for persons involved in child protection cases.

Highlights of the Report:

- **CPS Complaint Trends Summary 2000-2009 (Attachment A):**
 - The number of complaints steadily increased from 2000-2003, and then began to decline from 2004-2007. The number of complaints in 2009 were at their lowest level in over nine years.
 - The percentage of complaints investigated has slowly increased from 54% (69,400) in 2000 to 61% (71,780) in 2009.
 - In 2009, 26% of investigations resulted in a finding of preponderance of evidence.
- **Rejected Complaints:**
 - From 2003 through 2009, the percentage of rejected complaints consistently ranged from 35-40%.
- **Investigation Dispositions (Attachment B):**

This includes statistics for unsubstantiated complaints (those complaints which, after investigation, were determined to have insufficient evidence to support an abuse/neglect substantiation).

 - The percentage of investigations confirmed (category I, II or III) from 2004 to 2009 remains consistent at between 23-26%.
 - Only perpetrators identified in investigations disposed as category I and II are placed on central registry.
 - Unsubstantiated complaints (category IV and V) which total 52,391.
 - If the perpetrator in a confirmed case is a licensed foster parent, foster care or adoption worker at DHS or a child placing agency, licensed or registered child care provider or their employee abusing their own children, or a non-parent adult who resides outside the child's home, the perpetrator must be identified on central registry, regardless of category.
- **Five Category Disposition System (Attachment B):**
 - Since FY 2002, the distribution of investigation dispositions has remained consistent. 22-26% are category I, II, or III (preponderance of evidence), and 75-78% are category IV or V (no preponderance of evidence). In FY 2009 those percentages were 26 and 73, respectively.

- In 2008, 42% of investigations with a preponderance of evidence were low/moderate risk (category III). That number increased in 2009 to 45%.
 - In 2009, 193 cases were elevated from a category III disposition to a category I or category II disposition. In these cases, the family either refused to participate in services or did not progress toward alleviating the child's risk level.
- **Exposure to Methamphetamine Production (Attachment C):**
The determination of abuse or neglect based upon the child victim's exposure to drug activity may fall under a wide range of abuse or neglect categories. A child's exposure to methamphetamines is data which is gathered and included in this report.
 - In 2009, there were 146 confirmed complaints where it was determined that children had been exposed to methamphetamine production.
 - Of the 146 confirmed complaints, it was determined that 250 children were abused as a result of this methamphetamine exposure.
 - 21 Michigan counties had confirmed complaints of methamphetamine production which led to substantiated child abuse.
- **FY 2009 Victims of Abuse and Neglect by Age, Race, and Gender (Attachment D):**
 - In the 18,977 confirmed complaints in 2009, a total of 32,325 victims were identified.
 - 47% of all victims were female, 53% male.
 - 64% of all victims were white, 34% were African American, and 2% were a combination of American Indian, Asian, Native Hawaiian or unable to determine.
 - 30% were age three and under.
- **Perpetrators of Abuse and Neglect (Attachment E):**
 - In approximately 86% of all cases, the perpetrator is the parent.
 - There are 1.2 perpetrators for every confirmed investigation.
- **Reporting Sources of Complaints (Attachment F):**
 - Law enforcement represents the largest source of complaints filed of all mandated reporters (23%).
 - The largest non-mandated reporting source is parent, either in or out of the home (23%) followed by "anonymous" (22%) and relatives (19%).
- **Changes to Policy and Law in 2009 (Attachment G):**
 - To enhance the collection, accuracy, and thorough review of all available information during an investigation.
 - To increase the types of professionals defined as mandatory reporters.
 - To enhance coordination with the Friend of the Court.
 - To clarify policy regarding the ability for investigators to enter a home or to interview a child when a parent or adult is not present to give permission.

- To add policy regarding reasonable efforts to place siblings in the same home when there is a court ordered removal.
 - To limit the number of children that can be placed in a foster home; allowing for exceptions on an individual basis.
 - To require workers to take steps to identify and provide notice to relatives when there is a court ordered removal of a child.
 - To clarify and expand the release of confidential information including central registry clearances.
 - To include inquiries during the complaint intake process to determine if anyone associated with the complaint is a licensed foster care provider, day care provider or relative provider.
- **Policy Regarding Children Who Have Been Exposed to Drugs/ Methamphetamines (Attachment H:)**
 - This policy is used to direct workers to file a petition for court jurisdiction within 24-hours of determining that a child has been exposed to or had contact with methamphetamine production.

Children's Protective Services (CPS) Definitions 2009

Assigned for Investigation: This occurs when a child abuse and/or neglect complaint is assigned to a worker for the interview of family members, victims, etc. This also includes a complete and thorough review of the evidence and circumstances of the complaint. The worker completes the investigation and submits a report of their findings and disposition of the case.

Category Disposition: Developed in July 1999 and fully implemented in FY 2001, the five category disposition system was developed to allow more definitive case dispositions and to provide an adequate level of services to families with varied risk levels. Those categories are as follows:

- **Category V** – CPS investigated and found no evidence of child abuse/neglect; or the family did not cooperate and the court did not require them to cooperate; or the family cannot be located.
- **Category IV** - CPS investigated and found there was not a preponderance of evidence of child abuse and/or neglect. CPS may assist the family in accessing community-based services.
- **Category III** – CPS investigated and found there was a preponderance of evidence of child abuse and/or neglect and the risk to children was low or moderate. CPS must assist the family in receiving community-based services commensurate with the risk to the child. The perpetrator is not listed on central registry. Exception: If the perpetrator is a licensed foster parent, foster care or adoption worker at Department of Human Services (DHS) or a child placing agency, licensed or registered child care provider or their employee abusing their own children, or a non-parent adult who resides outside the child's home, the perpetrator must also be identified on central registry when a preponderance of evidence is determined, regardless of category.
- **Category II** – CPS investigated and found a preponderance of evidence of child abuse and/or neglect and the risk to children is high or intensive. CPS must open a protective service case and provide services. The perpetrator is listed on central registry.
- **Category I** - CPS found a preponderance of evidence of child abuse and/or neglect and the Child Protection Law or policy requires a petition for court action. The perpetrator is listed on central registry.

Central registry: List of perpetrators who have been substantiated for child abuse and or neglect.

Complaint (Referral): The report taken by the DHS, entered into a database system at the DHS local office.

Confirmed Investigations: Investigations where a preponderance of evidence of child abuse and/or neglect is found and includes category I, II, and III case dispositions.

Disposition: The results or findings of a worker's case investigation, submitted in the investigation summary report within 30 days of the complaint date.

Non-Preponderance: Investigations where there is not a preponderance of evidence of child abuse and/or neglect. Includes category IV and V case dispositions.

Pending Complaint: Status of a complaint that is currently being investigated and pending disposition.

Perpetrator: A person responsible for a child's health and welfare that has abused and or neglected that child.

Preponderance: The level of evidence needed to confirm that abuse/neglect occurred; i.e., more evidence (at least 51%) indicates that an incident did occur than the evidence suggesting it did not.

Re-Complaint or Re-Referral: A separate case complaint taken on a family recorded in the data system after the original complaint.

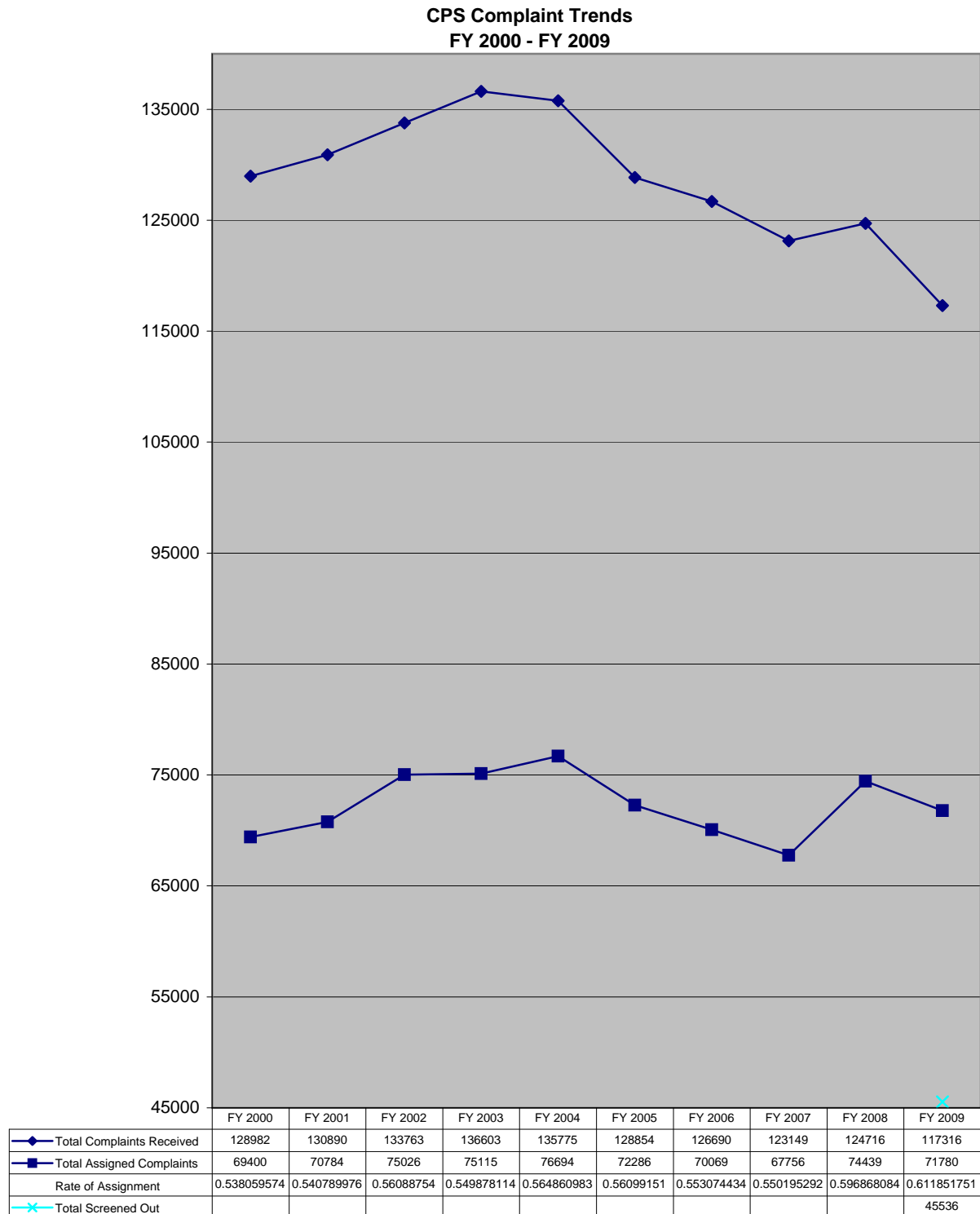
Recurrence: The number of child victims that have subsequent victimizations. Usually reported as a rate by dividing the number of children that had subsequent victimization in a given time period by the total number of child victims.

Screened Out (Rejected) Complaint: A complaint that is not assigned for investigation.

Substantiated: Investigations in which a preponderance of evidence of child abuse/neglect is found and the perpetrator is listed on Central Registry. Includes investigations disposed as Category I and II.

Transferred Complaints: A complaint that is transferred to another entity (i.e., law enforcement, licensing).

Attachment A
Graph A. 1



Attachment B
Graph B. 1

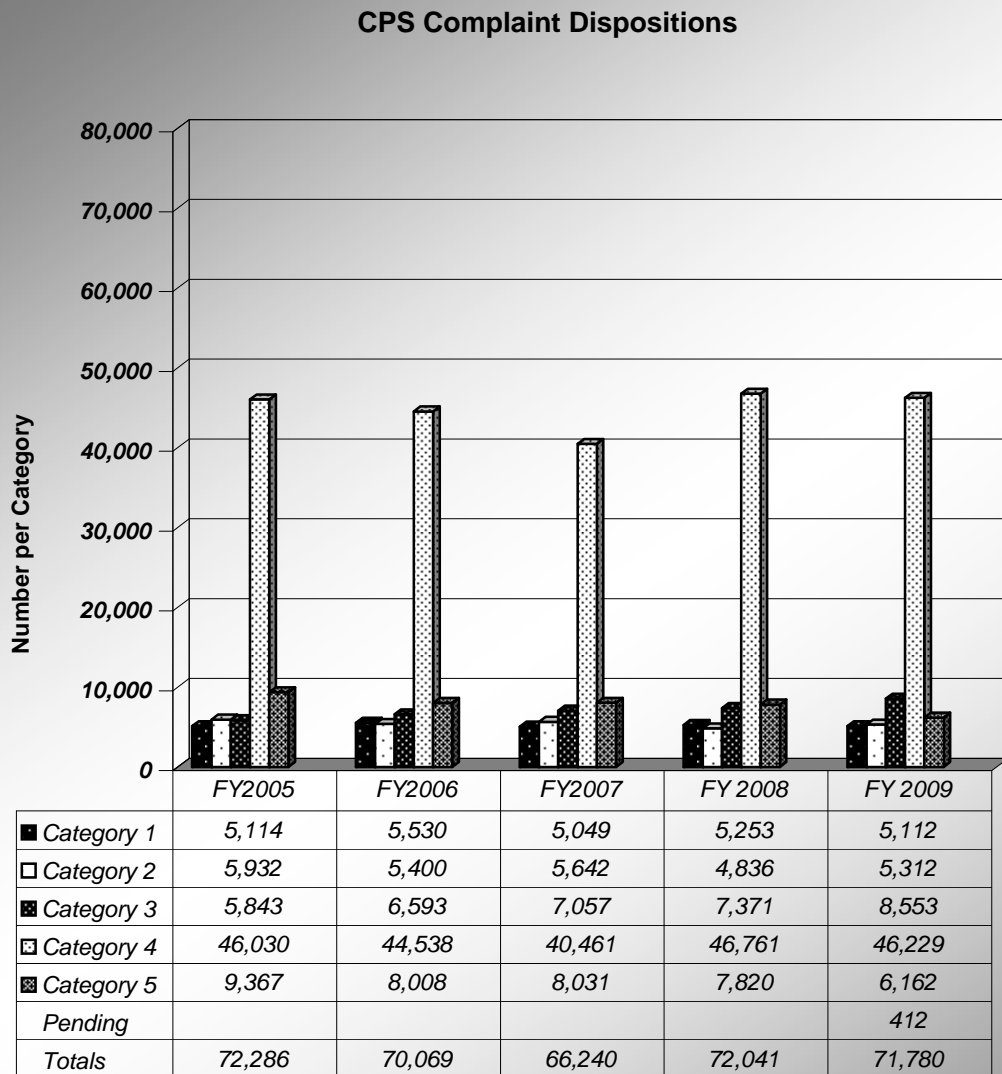


Table B. 2

Category III Escalations		FY09
Category III cases that escalated to Category II		168
Category III cases that escalated to Category I		25
Total		193

Attachment C
Graph C-1
FY 09 Victims of Methamphetamine Related Abuse by County

County	Abuse Description	child id
Allegan	Methamphetamine	25
Barry	Methamphetamine	10
Berrien	Methamphetamine	10
Branch	Methamphetamine	19
Calhoun	Methamphetamine	19
Cass	Methamphetamine	18
Eaton	Methamphetamine	4
Gr. Traverse/Leelanau	Methamphetamine	1
Hillsdale	Methamphetamine	10
Ionia	Methamphetamine	6
Jackson	Methamphetamine	2
Kalamazoo	Methamphetamine	73
Kent	Methamphetamine	2
Lenawee	Methamphetamine	1
Montcalm	Methamphetamine	4
Newaygo	Methamphetamine	1
Osceola	Methamphetamine	4
St.Clair	Methamphetamine	2
St.Joseph	Methamphetamine	26
Van Buren	Methamphetamine	13
	Total	250

Unduplicated total victims of A/N 30186	146 cases of Methamphetamine exposure	250 children abused as a result of Methamphetamine exposure
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Attachment D

GRAPH D.1 : FY 2009 Victims of Abuse/Neglect By Race and Gender
(Age: 3 and Under)

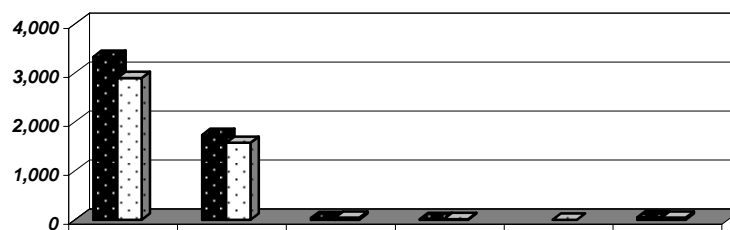


Table D. 1

	White	Black	American Indian	Asian	Native Hawaiian	Unable to Determine
■ M	3,326	1,733	36	14		53
▨ F	2,894	1,571	44	15	1	44
Totals	6,220	3,304	80	29	1	97

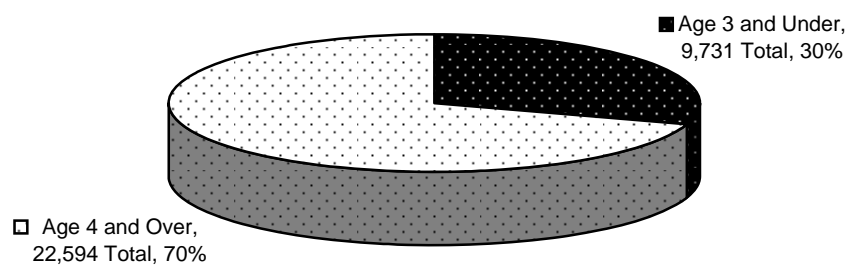
GRAPH D. 2: FY 2009 Victims of Abuse/Neglect
by Race and Gender (Age: 4 and Over)



Table D. 2

	White	Black	American Indian	Asian	Native Hawaiian	Unable to Determine
■ M	7,501	3,214	86	31	2	124
▨ F	7,914	3,399	108	52	2	161
Totals	15,415	6,613	194	83	4	285

GRAPH D. 3: FY 2009 Victims of Abuse/Neglect by Age



Attachment E
Table E. 1
FY 09 Perpetrators Relationship to Victim

Perpetrators of Abuse/Neglect	
Relation To Victim Desc	FY09
Adoptive Parent	441
Adoptive Sibling	20
Aunt/Uncle	239
Biological Parent	17,634
Child Day Care Provider	7
Cousin	47
Foster Parent (non-relative)	64
Friends or Neighbors	34
Grandparent	413
Guardian	165
Half Sibling	16
Non-relative	1,700
Other	235
Other Professionals	2
Other Relative	75
Putative Parent	145
Relative Foster Care Provider	21
Sibling	83
Step Parent	1,294
Step Sibling	18
Unknown	169
Grand Total	22,822

Attachment F
Reporting Sources of Complaints for FY 09

Table F.1

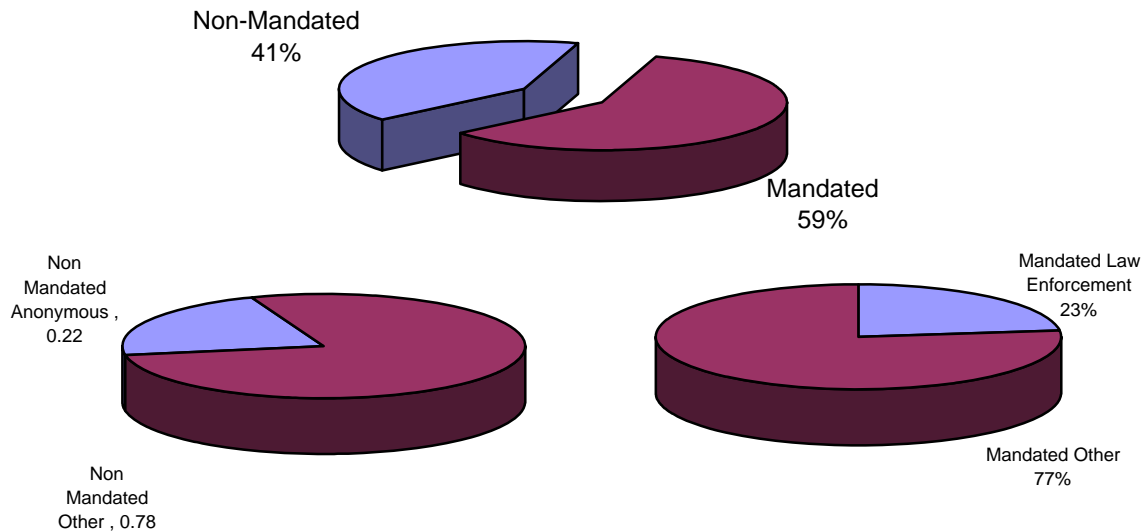
Non-Mandated Reporters	FY 2009 COMPLAINTS
Hospital/Clinic Personnel	268
Other Public Social Agency Personnel	359
Court Personnel	997
Other School Personnel	440
Victim	283
Relative	5,726
Sibling	198
Parent/Sub in Home	2,273
Parent/Sub out of Home	4,570
Anonymous	6,654
Friend/Neighbor	4,185
Other	3,739
No Reporting Souce Recorded	8
New Birth Match	416
Totals	30,116

Table F. 2

Mandated Reporters	FY 2009 COMPLAINTS
Private Physician	618
Hospital/Clinic Physician	1,414
Coroner/Medical Examiner	30
Dentist	52
Audiologist	7
Nurse (Not School)	1,627
Paramedic/EMT	51
Psychologist	413
Marriage/Family Therapist	339
Licensed Counselor	913
School Nurse	289
Teacher	3,850
School Administrator	2,202
School Counselor	5,935
Law Enforcement	10,193
Domestic Violence Providers	48
Friend of Court	62
Clergy	92
Child Care Provider	379
Hospital/Clinic Social Worker	5,470
DHS Facility Social Worker	2,062
DMH Facility Social Worker	625
Other Public Social Worker	1,856
Private Agency Social Worker	2,246
Court Social Worker	468
Other Social Worker	905
FIS/ES Worker/Supervisor	263
Social Services Specialist/Manager	898
DHS Facility Personnel	243
DMH Facility Personnel	54
Private Social Agency Personnel	241
Totals	43,845

Total Non-Mandated/Mandated Reporting Sources	73,961
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Graph F. 1



Attachment G

FY 2009 CHILDREN'S PROTECTIVE SERVICES (CPS) Policy Changes

CPS POLICY AS A SEPARATE ITEM WITHIN THE ONLINE MANUAL (SEPTEMBER 2009)

The Children's Protective Services policy is now a separate item and no longer part of the Children's and Family Services manual group. CFP, Children's Protective Services policy, is now PSM, Protective Services Manual. Historical policy is available

Reason: Policy simplification

REJECTED COMPLAINTS (October 2008)

PSM 712-7

Policy requiring that supervisors approve all rejected complaints was added.

Reason: This requirement was accidentally deleted in the March 2008 policy release.

DISCRETIONARY OVERRIDES ON THE RISK ASSESSMENT (October 2008)

PSM 713-11

Policy was clarified for when a discretionary override should be done.

Reason: To ensure that discretionary overrides are done when case conditions warrant an override.

MANDATED REPORTERS (January 2009)

PSM 712-1

The following professionals have been added to the list of professionals mandated by law to report suspected child abuse/neglect to Department of Human Services:

- A person employed in a professional capacity in any office of the Friend of the Court (FOC). Each local FOC office determines who is employed in a professional capacity at their local office.
- Any employee of an organization or entity that, as a result of federal funding statutes, regulations or contracts, would be prohibited from reporting in the absence of a state mandate or court order (e.g., domestic violence providers).

Reason: Child Protection Law (CPL) change, 2008 Public Act 300

COORDINATION WITH FOC (January 2009)

PSM 713-8, 713-9, 715-1, 715-2, 715-3, 715-4

The CPS worker must determine if there is an open FOC case when:

- CPS determines that a preponderance of evidence of abuse and/ or neglect exists.
- A petition is filed and accepted by the Family Division of Circuit Court.

To determine if there is an open FOC case, the CPS worker must, at a minimum, ask both parents if there is an open FOC case, which includes court ordered custody and parenting time arrangements and child support. Document each inquiry and response in Social Worker Support System (SWSS) CPS Social Work Contacts.

If CPS determines there is an open FOC case in the situations listed above, CPS must use the DHS-729, Confidential Notice to Friend of the Court of CPS Disposition and Family Court Action, to notify FOC of the following:

- The disposition of the CPS investigation.
- The initial Family Division of Circuit Court action.
- When there is any change in the child's placement.

The DHS-729 must be provided to FOC at the following times:

- When the CPS disposition is completed in SWSS CPS.
- Within 10 business days of the initial Family Division of Circuit Court action.
- When there is any change in a child's placement.

In addition, when CPS is aware of an open FOC case, CPS must provide the parents (both custodial and non-custodial) with the DHS-1450, "How to Change a Custody or Parenting Time Order". If the DHS-1450 is not provided to the parents, the reason why it was not provided must be documented in the CPS Investigation Report (DHS-154).

For more information on coordinating with FOC, see the publication *Recommendations for Coordination between Friends of the Court and DHS Children's Protective Services*. The document is available at www.michigan.gov/dhs-publications, Children's Protective Services section.

Reason: CPL change, 2008 Public Act 300

RELEASE OF INFORMATION TO FOC (January 2009)

PSM 717-4, SRM 131

CPS information, after appropriate redaction as outlined in SRM 131, Confidentiality, may be released to FOC upon request from FOC. FOC is no longer required to submit a written request or document the reason they need CPS information.

TRANSFER TO FOSTER CARE WHEN A FOC CASE IS OPEN (January 2009)

PSM 715-4

If the DHS-729 is provided to FOC as outlined in Coordination with Friend of the Court above, a copy of the DHS-729 must be provided to foster care at the time of transfer.

To ensure that foster care is aware of the open FOC case and that the DHS-729 has been sent to FOC.

Reason: CPL change, 2008 Public Act 300

DHS TERMINOLOGY AND STYLES UPDATED (May 2009)

PSM 712-3, 712-8, 713-2, 713-4, 713-11, 713-12, 714-2, 716-1, 716-9, 717-2, 717-3

Terminology and hyperlinks updated/created; changes to policy to make it clearer; formatting styles continue to be updated in items that are not regularly updated; combining sections; updates to reflect SWSS CPS changes. These updates are done in all the manual items listed above and all items updated for other reasons.

Reason: To ensure that policy terms and links are up-to-date, policy is clear and ordered logically.

DEFINITIONS (May 2009)

PSM 711-5

Operational definitions were added for severe physical abuse and battering.

Reason: To ensure when complaints involving these types of abuse/ neglect are received, they are handled as required by the CPL.

MANDATED REPORTERS (May 2009)

PSM 712-1

List of mandated reporters was updated to include persons employed in a professional capacity in any office of the FOC and employees of an organization or entity that, as a result of federal funding statutes, regulations or contracts, would be prohibited from reporting in the absence of a state mandate or court order (e.g., domestic violence providers).

Reason: CPL change, Public Act 300 of 2008

PRIORITY RESPONSE CRITERIA (May 2009)

PSM 712-4

Priority response criteria were added for allegations of child maltreatment.

Reason: To ensure appropriate response on child maltreatment complaints.

TEMPORARY VOLUNTARY PLACEMENTS (May 2009)

PSM 713-1

Policy was added on parents and legal guardians agreeing to temporary voluntary placements.

Reason: To ensure child safety and the rights of families.

ENTERING A HOME AND INTERVIEWING A CHILD WHEN A PARENT/ADULT IS NOT PRESENT (May 2009)

PSM 713-3

Policy was clarified regarding whether workers can enter a home or interview a child when a parent or adult is not present to give permission.

Reason: To ensure that policy is clear.

GUARDIANSHIPS (May 2009)

PSM 713-8, 715-3

Policy was added regarding how to handle complaints when another caretaker attempts to obtain a guardianship of a child under investigation by CPS.

Reason: To ensure CPS investigations are handled properly and petitions are filed when required/needed.

COORDINATION WITH FOC (May 2009)

PSM 713-8, 713-9, 715-1, 715-2, 715-3, 715-4

DHS needs to provide notice to the FOC regarding the results of a CPS investigation in certain situations. DHS must provide parents with the DHS 1450, How to Change a Custody or Parenting Time Order in certain situations.

Reason: CPL change, Public Act 300 of 2008.

CPS INVESTIGATION CHECKLIST (May 2009)

PSM 713-1, 713-10

Policy was added concerning the completion of the CPS Investigation Checklist and defines when the local office director or designee must approve the checklist and/or the CPS investigation.

Reason: CPL change, Public Act 511 of 2008.

CENTRAL REGISTRY CLEARANCES (May 2009)

PSM 713-13, SRM 131

Policy on requesting central registry clearances was moved to SRM 131, Confidentiality. Policy was added on how employers and volunteer agencies can request central registry clearances on employees/volunteers and potential employees/volunteers.

Reason: To ensure that all confidentiality policy is located in one policy item and due to a CPL change, Public Act 374 of 2008.

PLACEMENT WITH SIBLINGS (May 2009)

PSM 715-2

Policy has been added regarding reasonable efforts to place siblings in the same home when there is a court ordered removal.

Reason: To comply with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

LIMITATIONS TO THE NUMBER OF CHILDREN IN A FOSTER HOME (May 2009)

PSM 715-2

New policy requirements limits the number of children that can be placed in a foster home. Exceptions to the limitations can be made on an individual basis. The exception request specifications and process are outlined within the policy.

Reason: Consent decree in Dwayne B. v Granholm, et al.

MEDICAL NEEDS OF CHILDREN IN FOSTER CARE (May 2009)

PSM 715-2

A child's present health status and medical needs must be documented and addressed from the onset of a child's placement into foster care.

Reason: Fostering Connections to Success and Increasing Adoptions Act and Consent decree in Dwayne B. v Granholm, et al.

PLACEMENT OF CHILDREN WITH NON-CUSTODIAL PARENTS AND RELATIVES (May 2009)

PSM 715-2

Policy has been changed regarding what conditions must be met prior to children being placed with the non-custodial parent or a relative when there is a court ordered removal of a child.

Reason: To comply with the Consent decree in Dwayne B. v Granholm, et al. and the State Plan for title IV-E of the Social Security Act.

IDENTIFICATION OF AND NOTICE TO RELATIVES (May 2009)

PSM 715-2, 715-4

Policy has been added on identifying relatives and providing notice to those relatives when there is a court ordered removal of a child.

Reason: To comply with the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351).

MANDATORY PETITIONS (May 2009)

PSM 715-3

Policy was clarified on when the filing of a petition is required under the CPL.

Reason: To ensure compliance with the CPL.

COMPLAINTS OF LICENSED/REGISTERED CHILD CARE PROVIDERS OR THEIR EMPLOYEES ABUSING/NEGLECTING THEIR OWN CHILDREN (May 2009)

PSM 711-4, 712-6, 713-8, 714-1, 714-2, 714-4, 716-6

Policy was added on how to handle complaints of licensed or registered child care providers or their employees who are alleged to have abused or neglected their own children.

Reason: To ensure that these complaints are handled as required by the CPL.

RELEASE OF CPS INFORMATION (May 2009)

PSM 717-4

Release of CPS information policy can be found in SRM 131, Confidentiality.

Release: To ensure that all confidentiality policy is located in one policy item

CHANGES IN CPS INTAKE PROCESS (Interim policy November 2009, policy effective February 2010)

PSM 712-5

Policy is revised to include inquiries into the foster care status of the child(ren) associated with the complaint. These inquiries will be supported by SWSS clearances conducted by Children's Protective Services (CPS) Intake to determine if a foster child is part of the CPS complaint.

The reporting person must be asked if anyone affiliated with the case is a licensed foster care provider, day care provider or relative provider. This must include a check of any child associated with the case in SWSS soundex. Intake staff will document if any children on the complaint are listed as foster children.

These clearances are required and must be documented in the complaint source comment section in SWSS.

Reason: Dwayne B. v Granholm, et al. consent decree, audit recommendations.

CHANGES IN POST-INVESTIGATIVE SERVICES (Interim policy November 2009; policy effective February 2010)

PSM 714-1

Policy is revised to remove Contracted In-Home Service Provider meeting all face-to-face contacts. Previous policy allowed for the replacement of all CPS face-to-face contact standards through a contracted in-home service provider, in certain situations, with the approval of the county director.

This section is being removed from policy and is no longer allowable.

Standards for face-to-face contacts, allowing for contracted providers to replace all but one of the required CPS contacts, remain in effect.

Reason: Dwayne B. v Granholm, et al. consent decree, audit recommendations.

CPS INTAKE SPECIAL CASES (Policy effective February 2010)

PSM 712-6

Two additions have been made to the special cases section of CPS intake. These include:

- Infant safe sleep investigation requirements.
- Additions to the substance use by caregiver section of policy. Changes made will require a worker to confirm prescriptions with medical professionals.

Reason: Office of the Children's Ombudsman recommendations.

CPS INVESTIGATION GENERAL INSTRUCTIONS AND CHECKLIST (Policy effective February 2010)

PSM 713-1

Three additions have been made to the general instructions list for CPS investigations. These additions include the requirement for the worker to do all of the following:

- Observe and document the caregiver and alleged perpetrator's photo identification.
- Verify and document the dates of birth for the adults in the home.

- Ask if the client, or any adult in the home is a licensed foster parent, an owner/operator/volunteer/employee of a licensed or registered child care organization or a licensed or unlicensed adult foster care family or group home.

Reason: Dwayne B. V Granholm, et al. Consent Decree, audit Recommendations.

SUBSTANCE ABUSE CASES (Policy effective February 2010)

PSM 716-7

Language has been added to address medically prescribed substances which may be a risk factor in abuse or neglect situations.

Reason: Recent change in Michigan Law- MCL 333.26424 Michigan Medical Marijuana Act.

AMENDMENT OF EXPUNCTION (Policy effective February 2010)

PSM 717-2

Language has been added to include second-line review when a CPS supervisor denies an expunction request. Policy will require for this second-line review to be completed by a program manager or county director.

Reason: Audit recommendations.

2009 Child Protection Law Changes

May 2009

(Changes are indicated by underlined text.)

722.623 (Changed by PA 510. Immediate effective date January 13th, 2009)

Sec. 3.

(1) An individual is required to report under this act as follows:

(a) A physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider who has reasonable cause to suspect child abuse or neglect shall make immediately, by telephone or otherwise, an oral report, or cause an oral report to be made, of the suspected child abuse or neglect to the department. Within 72 hours after making the oral report, the reporting person shall file a written report as required in this act. If the reporting person is a member of the staff of a hospital, agency, or school, the reporting person shall notify the person in charge of the hospital, agency, or school of his or her finding and that the report has been made, and shall make a copy of the written report available to the person in charge. A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency or school of the obligation of reporting to the department as required by this section. One report from a hospital, agency, or school shall be considered adequate to meet the reporting requirement. A member of the staff of a hospital, agency, or school shall not be dismissed or otherwise penalized for making a report required by this act or for cooperating in an investigation.

(c) Any employee of an organization or entity that as a result of federal funding statutes, regulations, or contracts, would be prohibited from reporting in the absence of a state mandate or court order. A person required to report under this subdivision shall report in the same manner as required under subdivision (a).

722.627j (Changed by PA 374. Immediate effective date December 23rd, 2008)

722.627j Individual not named in central registry case as perpetrator of child abuse or neglect; documentation; receipt of central registry clearance information; request; automated system; definitions.

Sec. 7j.

- (1) Upon written request, the department may provide to an individual, or whoever is appropriate, documentation stating that the individual is not named in a central registry case as the perpetrator of child abuse or child neglect.
- (2) An individual or the department may share the document provided in subsection (1) with whoever is appropriate for the purpose of seeking employment or serving as a volunteer.
- (3) An employer, a person or agency to whom an individual is applying for employment, or a volunteer agency, with appropriate authorization and identification from the individual, may request and receive central registry clearance information.
- (4) The department may develop an automated system that will allow an individual applying for child-related employment or seeking to volunteer in a capacity that would allow unsupervised access to a child for whom the individual is not a person responsible for that child's health or welfare to be listed in that system if a screening of the individual finds that he or she has not been named in a central registry case as the perpetrator of child abuse or child neglect. The automated system developed under this section shall provide for public access to the list of individuals who have been screened for the purposes of complying with this section. An automated system developed under this section shall have appropriate safeguards and procedures to ensure that information that is confidential under this act, state law, or federal law is not accessible or disclosed through that system.

722.628 (Changed by PA 300. Immediate effective date; October 8th, 2008.)

722.628 Referring report or commencing investigation; informing parent or legal guardian of investigation; duties of department; assistance of and cooperation with law enforcement officials; procedures; proceedings by prosecuting attorney; cooperation of schools or other institution; information as to disposition of report; exception to reporting requirement; surrender of newborn; training of employees on rights of children and families; determination of open friend of the court case.

Sec. 8.

- (1) Within 24 hours after receiving a report made under this act, the department shall refer the report to the prosecuting attorney and the local law enforcement agency if the report meets the requirements of subsection (3)(a), (b), or (c) or section 3(6) or (9), shall commence an investigation of the child suspected of being abused or neglected. Within 24 hours after receiving a report whether from the reporting person or from the department under subsection (3)(a), (b), or (c) or section 3(6) or (9), the local law enforcement agency shall refer the report to the department if the report meets the requirements of section 3(7) or shall commence an investigation of the child suspected of being abused or neglected or exposed to or who has had contact with methamphetamine production. If the child suspected of being abused or exposed to or who has had contact with methamphetamine production is not in the physical custody of the parent or legal guardian and informing the parent or legal guardian would not endanger the child's health or welfare, the agency or the department shall inform the child's parent or legal guardian of the investigation as soon as the agency or the department discovers the identity of the child's parent or legal guardian.

- (16) Unless section 5 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.5, requires a physician to report to the department, the surrender of a newborn in compliance with chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is not reasonable cause to suspect child abuse or neglect and is not subject to the section 3 reporting requirement. This subsection does not apply to circumstances that arise on or after the date that chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.1 to 712.20, is repealed. This subsection applies to a newborn whose birth is described in the born alive infant protection act, 2002 PA 687, MCL 333.1071 to 333.1073, and who is considered to be a newborn surrendered under the safe delivery of newborns law as provided in section 3 of chapter XII of the probate code of 1939, 1939 PA 288, MCL 712.3.
- (18) The department shall determine whether there is an open friend of the court case regarding a child who is suspected of being abused or neglected if a child protective services investigation of child abuse and neglect allegations result in any of the following dispositions:
- (a) A finding that a preponderance of evidence indicates that there has been child abuse and neglect.
 - (b) Emergency removal of the child for child abuse and neglect before the investigation is completed.
 - (c) The family court takes jurisdiction on a petition and a child is maintained in his or her own home under the supervision of the department.
 - (d) If 1 or more children residing in the home are removed and 1 or more children remain in the home.
 - (e) Any other circumstances that the department determines are applicable and related to child safety.
- (19) If the department determines that there is an open friend of the court case and the provisions of subsection (18) apply, the department shall notify the office of the friend of the court in the county in which the friend of the court case is open that there is an investigation being conducted under this act regarding that child and shall also report to the local friend of the court office when there is a change in that child's placement.
- (20) Child protective services may report to the local friend of the court office any situation in which a parent, more than 3 times within 1 year or on 5 cumulative reports over several years, made unfounded reports to child protective services regarding alleged child abuse or neglect of his or her child.
- (21) If the department determines that there is an open friend of the court case, the department shall provide noncustodial parents of a child who is suspected of being abused or neglected with the form developed by the department that has information on how to change a custody or parenting time court order.

722.628e (Added by PA 511. Effective date April 1st, 2009)

722.628e Investigation checklist.

Sec. 8e.

- (1) The department shall implement an investigation checklist to be used in each investigation of suspected abuse and neglect handled by the department.
- (2) Subject to subsections (3) and (4), an investigation shall not be closed until the checklist described in subsection (1) is completed.

- (3) A supervisor must review the completed checklist. If the supervisor determines that the investigation complies with the investigation checklist and with the following state laws and department policy, the investigation may be closed:
- (a) Face-to-face contact was made with all alleged child victims.
 - (b) A petition was filed as required by sections 8d(1)(e), 17, and 18.
 - (c) A petition was filed when court intervention was needed to ensure child safety.
 - (d) Any other items that impact child safety and well-being that are specifically outlined in department policy to require the approvals outlined in subsection (4).
- (4) If the supervisor determines that the investigation does not comply with the investigation checklist and the state laws and department policy outlined in subsection (3), the supervisor shall determine the reason the investigation checklist and state law or department policy outlined in subsection (3) were not followed. An investigation that falls under this subsection shall not be closed until after the local office director has reviewed the investigation.

Attachment H
FY 2009
CHILDREN'S PROTECTIVE SERVICES (CPS)
Policy Related to Methamphetamine

REQUIRED REFERRALS

PSM 712-3

The Michigan Child Protection Law (CPL) (MCL 722.623 and 722.628) requires DHS to **refer to the prosecutor and law enforcement within 24 hours** of receipt of all complaints with allegations that indicate:

- Potential violations of the public health code involving methamphetamine (MCL 333.7401c).
- The child has contact with or exposure to methamphetamine production.

REQUIRED COORDINATION WITH LAW ENFORCEMENT

PSM 712-3

MCL 722.628(3) states that CPS **must seek the assistance of and cooperate with law enforcement within 24 hours** of receipt of a complaint that includes allegations that:

6. The child has been exposed to or had contact with methamphetamine production.

ALLEGED SUBSTANCE ABUSE BY A CAREGIVER

PSM 712-6

An allegation of neglect based **solely** on a caretaker's substance use is **not**, in and of itself, appropriate for CPS investigation. The complaint must include an allegation of child abuse and/or neglect as a result of the substance use to be appropriate for investigation.

Exception: A complaint alleging that methamphetamine is being smoked in a home where children reside must be assigned for investigation.

REQUIRED CRIMINAL HISTORY/LEIN REQUESTS

PSM 713-2

At a minimum, a LEIN check must be conducted on all parents, person(s) responsible for the health and welfare of the child, and all household members for all sexual abuse, physical abuse, suspected caretaker substance abuse, drug exposed infant cases, methamphetamine production allegations, and cases where domestic violence allegations may be present. CPS must also conduct a LEIN check on other individuals (including minor household members) involved in CPS cases when there is reason to believe that this information is necessary to make a decision regarding child or worker safety. LEIN checks are required when considering placement with non-custodial parents and relatives.

REQUIRED MEDICAL EXAMINATIONS

PSM 713-4

The department must obtain a medical examination of alleged victims and any other children residing in the household in the following situations:

- The child has been exposed to or had contact with methamphetamine production.
 - A medical examination must be done immediately when a child is exhibiting symptoms (respiratory distress/breathing difficulties; red, watering, burning eye(s); chemical/fire burns; altered gait (staggering, falling); slurred speech, and any other symptom requiring emergency care suspected to result from exposure to, or contact with, methamphetamines.
 - A medical examination should be obtained within four hours if a child is not displaying symptoms suspected to result from exposure to, or contact with, methamphetamines. The most accurate exposure levels are obtained when the medical examination is completed within four hours or less.

REQUIRED CONTACT WITH THE PROSECUTING ATTORNEY

PSM 713-10

The Child Protection Law (MCL 722.628b) requires the department to refer (by sending a copy of the DHS-154) cases to the prosecuting attorney in the county where the child is located if there is a preponderance of evidence of child abuse/neglect and the case involves the death, sexual abuse, sexual exploitation, or serious physical injury of a child, or a child has been exposed to, or had contact with, methamphetamine production.

REQUIRED ASSISTANCE FROM LAW ENFORCEMENT

PSM 715-2

Law enforcement can and should play a role in removal when the situation requires their assistance. Assistance from law enforcement must be requested when:

- A crime is being committed (e.g., methamphetamine lab, domestic violence, etc.).

CHILDREN WHO HAVE BEEN EXPOSED TO THE PRODUCTION OF ILLICIT DRUGS/METHAMPHETAMINES

PSM 715-3

The Child Protection Law, Section 17, requires that a petition for court jurisdiction be filed within 24 hours of determining a preponderance of evidence exists that a child has been:

- Sexually abused.
- Severely physically injured due to abuse or neglect, including abuse or neglect that results in the death of the child. Severe physical injury means an injury to the child that requires medical treatment or hospitalization and that seriously impairs the child's health or physical well-being.
- **Exposed to or had contact with, methamphetamine production.**